IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 699 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DEVANG ARVINDBHAI PANDYA

Versus

STATE OF GUJARAT

Appearance:
MR DILIP B RANA for Petitioner
Ms.Harsha Devani, learned A.G.P. for respondents Nos.1 to 3.
Mr.D.M.Thakkar for respondents Nos.4 and 5.

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE R.R.TRIPATHI

Date of decision: 28/08/2000

ORAL JUDGEMENT(Per: M.R.Calla,J)

Vishakha is present alongwith respondents Nos.4 and 5. On the request of the learned counsel for the petitioner the matter was taken up in Chamber. The petitioner was also given some time to talk to Vishakha. Vishakha has frankly stated before us that she had married the petitioner Devang Arvindbhai Pandya on 5.5.2000 but she is not confined by her father and uncle and that she also wants to live with her father and is not willing to go to the petitioner.It is not in dispute that Vishakha is a Science Graduate and her date of birth is 4.3.79 and even in the marriage certificate showing that she had married Devang on 5.5.2000, as has been issued by the Registrar of Marriage dated 27.6.2000, her age is mentioned as 22 years. The petitioner is also present in person and he says that he is a Matriculate and doing the job of Diamond cutting and polishing.

Whereas Vishakha is major and she says that she is not wrongfully confined by her parents, she is free to her liberty.

No case is made out for issuing any writ of habeas corpus. This Special Criminal Application is accordingly rejected. Rule is hereby discharged.

(M.R.Calla,J)

(R.R.Tripathi,J)